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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222065
Party	Plaintiff Google Inc.
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Submission	Motion for Discovery Sanctions
Filer's Name	Morgan Champion
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Signature	/Morgan Champion/
Date	05/06/2016
Attachments	Google--GOOGLIFE--Motion for Sanctions In Form of Judgment.pdf(295414 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/387,251  
Mark: GOOGLIFE  
Published: January 27, 2015

GOOGLE INC.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91222065
	)	
	)	
v.	)	
	)	
JAWAD ESSADKI,	)	
	)	
Applicant.	)	
_____	)	

**MOTION FOR SANCTIONS IN THE FORM OF JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 37(b)(2) and 37 CFR § 2.120(g)(1), Opposer Google Inc. (“Google”) moves the Trademark Trial and Appeal Board (the “Board”) to enter the sanction of judgment against Applicant Jawad Essadki (“Applicant”) for his failure to comply with the Board’s recent order compelling discovery. The Board ordered Applicant to respond fully to all of Google’s Requests for Production (“RFPs”) and to serve complete responses, without objections on the merits, to the interrogatories that were the subject of Google’s Motion to Compel (the “Subject Interrogatories”). In direct defiance of the Board’s order, Applicant refused even to search for documents responsive to Google’s RFPs, served amended interrogatory responses that were even less complete than the initial responses that the Board had ordered him to supplement, and asserted numerous objections on the merits.

As set forth below and in the accompanying Declaration of Morgan Champion (“Champion Decl.”), Applicant’s consistent evasion of his discovery obligations and his willful disregard of the Board’s order compelling discovery have left Google with no choice but to move for the entry of judgment in its favor.

## **I. PROCEDURAL AND FACTUAL BACKGROUND**

### **A. The Discovery Dispute.**

Applicant served initial responses to Google’s discovery requests on November 6, 2015. Although he admitted to the existence of a number of categories of responsive documents, he refused to produce them on the grounds that they were confidential, “internal,” or otherwise “Not Applicable.” He also served inadequate responses to several of Google’s Interrogatories and Requests for Admissions (“RFAs”).

As more fully detailed in Google’s Motion to Compel, Google expended significant time explaining the rules of discovery to Applicant and trying to obtain his cooperation. Google and Applicant discussed the discoverability of various documents that Applicant had suggested he possessed, including those relating to technology development, investment, and fundraising activities, Applicant’s plans for products and services to be offered under the GOOGLIFE mark, communications with persons he claimed were involved in such plans, and documents reflecting the substantial costs and efforts he claimed to have expended in connection with the GOOGLIFE mark. Google also described in detail to Applicant the deficiencies in his responses to the Subject Interrogatories and several of Google’s RFAs.

In a detailed letter and during a lengthy meet & confer, Google explained that Applicant had not asserted any valid grounds for excluding such documents and information from discovery. In particular, Google repeatedly explained that Applicant could designate

confidential documents and information pursuant to the Board's protective order to protect them from disclosure, but that Applicant could not withhold discovery on the basis of confidentiality.

In response to such efforts, Applicant initially agreed to produce the documents and information that Google had requested by December 11, 2015. On December 17, 2015, having failed to uphold the parties' agreement, Applicant told Google that he merely needed more time. He refused Google's request to extend all deadlines in the proceeding by 60 days, explaining that such a long extension was unnecessary because he would only need a few more days to complete discovery. Applicant then requested more time to do so twice more.

On January 5, Applicant abruptly reversed his position. He told Google that he would not produce any documents or serve any amended discovery responses. He directed Google to "escalate this to the board[']s appropriate authority that will be impartial in evaluating our responses and document production requirements."

**B. Google's Motion to Compel.**

Having been told by Applicant to take its complaints to the Board, on February 5, 2016 Google moved to compel Applicant to produce documents responsive to all of its RFPs and complete responses to the Subject Interrogatories. (Dkt. No. 14.) Google also moved to test the sufficiency of Applicant's responses to six of Google's RFAs that Applicant had refused to answer on grounds of "confidentiality" (the "Subject RFAs"). (*Id.*)

Applicant's deadline to respond to Google's motion was February 25, 2016. Applicant filed a putative response a week after this deadline. (Dkt. No. 16.) Not only did Applicant file the response late without explanation, he failed to address any of Google's substantive arguments. Instead, he engaged in name-calling and inflammatory accusations, calling Google "condescending" and accusing it of "bickering," "interfer[ing] with [his] entrepreneurial creative

endeavor,” and “trying to MONOPOLIZE the entire universe.” (*Id.* at 1-2.) He told the Board, “I call on your interference to facilitate and expedite this dialogue of the deaf.” (*Id.* at 2.)

The Board disregarded Applicant’s response as untimely. It granted Google’s Motion to Compel as conceded on March 24, 2016 and ordered Applicant to supplement discovery as described therein by April 23, 2016. (Dkt. No. 17.)

**C. Applicant’s Failure to Comply with the Board’s Order.**

As described below, despite previously indicating that he would respect a decision from the Board, once one had issued Applicant only flouted the Board’s authority and acted in direct contravention to its order.

*1. Applicant’s Responses to Google’s RFPs.*

In its decision on Google’s Motion to Compel, the Board ordered Applicant “to fully respond to Opposer’s first set of Requests for Production.” (*Id.* at 2.) It explained that “[a] proper response to a request for production...should state whether or not there are responsive documents and, if so, whether they will be produced or withheld on a claim of privilege.” (*Id.*) It further described Applicant’s requirements to complete a privilege log with respect to any documents so withheld. (*Id.*)

Applicant served supplemental responses to Google’s RFPs on April 23, 2016. (Champion Decl at ¶ 2, Ex. A.) In a single written response to all 24 of Google’s RFPs, he stated that he would not even search for, let alone produce, any documents. (*Id.* at ¶ 3, Ex. A.) He objected to all of Google’s RFPs “to the extent that they seek information that is protected from disclosure on the basis of the attorney-client privilege or the work product doctrine,” but did not state whether he was withholding any documents on a claim of privilege or produce a privilege log. (*Id.* at ¶ 4, Ex. A.)

## *2. Applicant's Interrogatory Responses.*

The Board's order also directed Applicant to serve "complete responses" to the Subject Interrogatories. (Dkt. No. 17. at 2.) The Board specifically ordered Applicant to do so without asserting any objections on the merits, explaining that such objections included "those which challenge the request as overly broad, unduly vague and ambiguous, burdensome and oppressive, as seeking non-discoverable information on expert witnesses, or as not calculated to lead to the discovery of admissible evidence." (*Id.*) It further reminded Applicant that he "may not withhold properly discoverable information on the basis of confidentiality since the terms of the Board's standard protective order automatically apply." (*Id.*)

Unsurprisingly, Applicant's response flew in the face of the Board's explicit instructions. He asserted almost every one of the objections that the Board had listed as unacceptable – including overbreadth, undue burden, ambiguousness, oppression, and an objection that the information requested was not calculated to lead to the discovery of admissible evidence. (Champion Decl at ¶ 5, Ex. B.)

On the basis of such objections, Applicant continued to withhold information responsive to the Subject Interrogatories. (*Id.* at ¶ 6, Ex. B.) In most cases, the amended responses he served following the Board's order were even more incomplete than the initial responses he had been ordered to supplement. (*Id.*, Exs. B, C.) Set forth below are several of Applicant's initial interrogatory responses served on November 6, 2015, along with the supplemental responses served on April 23, 2016 following the Board's order.

**INTERROGATORY NO. 1:** IDENTIFY each PERSON with knowledge of YOUR selection or adoption of the GOOGLIFE MARK.

Initial Response: Jawad Essadki, others who were involved in the idea early on left the project and do not want to be associated with it. Khadija Lebbar from Holda, SARL who provided some consulting.

Amended Response: As my personal and sole endeavor, I sought some advice and ideas but no one that I can think of now. It was a long time ago, it never became that important due to this proceeding.

**INTERROGATORY NO. 3:** IDENTIFY each good or service in connection with which YOU currently use or intend to use the GOOGLIFE MARK.

Initial Response: Currently using: None. Intend to use: any and all legal business activity.

Amended Response: Currently: None – Intend to use: Not sure or decided.

**INTERROGATORY NO. 6:** IDENTIFY the price of each good and service identified in response to Interrogatory No. 3.

Initial Response: Confidential.

Amended Response: Not sure, but the vagueness and irrelevance of this question[] goes to show the lack of goodwill in the Opposer undertaking of [sic] this endeavor with the applicant. With all due respect what is the point of asking this question?

**INTERROGATORY NO. 7:** Describe all relevant facts and circumstances regarding any plans, intentions, preparations, or efforts to make any of the goods or services identified in response to Interrogatory No. 3 competitive with any Google product or service or compatible with any Google product or service.

Initial Response: Not really familiar with Google's business to identify competition areas. But again, this is America, competition is good.

Amended Response: No facts to report.

**INTERROGATORY NO. 9:** Describe all relevant facts and circumstances regarding any preparations to use the GOOGLIFE MARK in U.S. commerce in connection the goods and services identified in response to Interrogatory No. 3.

Initial Response: All preparations have been aborted as soon as we received the opposition.

Amended Response: Early ideas, nothing concrete.

**INTERROGATORY NO. 13:** Describe all relevant facts and circumstances regarding your registration and renewal of the <googlife.com> domain name.

Initial Response: I was online, thinking of a name, couldn't find domains available. Thought of GOOGLIFE, find the domain available, so I purchased it.

Amended Response: I had a dream. Looked up the name. Bought the domain.

(*Id.*)

For all of its time and effort, Google is no closer to obtaining the discovery to which it is entitled than before it filed its successful motion. Applicant's amended responses include no additional substantive information and reflect nothing more than his casual disregard of the Board's order.

3. *Applicant's RFA Responses.*

The Board also ordered Applicant "to serve, without objection on the merits, amended responses" to the Subject RFAs. (Dkt. No. 17. at 2.) It explained to Applicant that "[a]n answer to a request for admission must admit the matter of which an admission is requested, deny the matter, or state in detail the reasons why the responding party cannot truthfully admit or deny the matter." (*Id.*)

Contrary to the Board's instructions, Applicant asserted several objections on the merits to each of the Subject RFAs, and neither admitted or denied any of them. (Champion Decl at ¶ 7, Ex. B.) In response to five of the six Subject RFAs, each of which requested admissions that Applicant did not possess certain broad categories of responsive documents, Applicant either refused to respond or casually stated that he could not respond because he had not bothered to look for such documents. (*Id.* at ¶ 8, Ex. B.) "It has been a long time. Have no recollection and have not looked in the archives," he stated. (*Id.*)

The Board specified that the consequences of Applicant's failure to respond properly to the Subject RFAs would result in such RFAs being admitted. (Dkt. No. 17. at 2.) Not only did Applicant fail to avoid this consequence, but his responses reveal the lack of seriousness with which he views his discovery obligations, including his obligation to search for responsive



documents. The content of Applicant's amended responses to the Subject RFAs thus further indicates how unlikely any additional discovery efforts by Google or the Board are to yield results.

## **II. ARGUMENT**

"The law is clear that if a party fails to comply with an order of the Board relating to discovery, including an order compelling discovery, the Board may order appropriate sanctions as defined in Trademark Rule 2.120(g)(1) and Fed. R. Civ. P. 37(b)(2), including entry of judgment." *MHW, Ltd. and Pepsico, Inc. v. Simex, Aussenhandelsgesellschaft Savelsberg KG*, 59 USPQ2d 1477 (TTAB 2000). "[W]hile default judgment is sometimes considered a harsh remedy, it is justified 'where no less drastic remedy would be effective and there is a strong showing of willful evasion.'" *Super Bakery Inc. v. Benedict*, 96 USPQ2d 1134 (TTAB 2010), quoting TBMP § 527.01(a).

### **A. No Lesser Remedy than Judgment Would Be Effective.**

Sanctions lesser than the entry of judgment include: (1) striking all or part of the pleadings of the disobedient party; (2) refusing to allow the disobedient party to support or oppose designated claims or defenses; (3) drawing adverse inferences against the disobedient party; and (4) prohibiting the disobedient party from introducing designated evidence. Fed. R. Civ. P. 37(b)(2); 37 CFR § 2.120(g)(1). Such lesser sanctions would be ineffective when "[t]here is no reason to assume that, given additional opportunities, respondent will fulfill [its] obligations as a party to this proceeding." *Super Bakery, Inc.*, 96 USPQ2d at 1136; *Patagonia, Inc. v. Azzolini*, 109 USPQ2d 1859 (TTAB 2014) ("any sanction short of judgment would be futile...due to respondent's intransigence.")

Applicant has given no indication that facilitating his continued participation in this proceeding would be anything short of futile. Google has spent significant time trying to engage

Applicant's cooperation in discovery, explaining Applicant's obligations to him in detailed correspondence and during a lengthy meet & confer. Google also explained in its Motion to Compel, in great detail, how Applicant had failed to fulfill his obligations and why his objections were invalid. Instead of timely responding to these arguments, Applicant filed a diatribe against Google a week after his deadline to respond.

After successfully moving to compel, Google is as far from procuring responsive documents and interrogatory responses from Applicant as when it began its meet & confer efforts. Because neither Google's efforts nor the Board's order have had any practical effect on Applicant's conduct in this proceeding, Google respectfully submits that judgment in its favor is warranted.

**B. Applicant Has Willfully Evaded Its Discovery Obligations.**

Willful evasion of the Board's rules and orders is sufficient grounds for the sanction of judgment. *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 USPQ2d 1848, 1854 (TTAB 2000) (terminating sanctions awarded when a party had "willfully failed to comply with the Board's [discovery] order... and ha[d] purposely avoided...[its] discovery responsibilities"). Further, "where there has been continuing avoidance of discovery, the Board will enter judgment against the disobedient party." *John Manville v. Laurence P. Czajkowski*, Cancellation No. 92044333 (TTAB May 24, 2006), citing *Unicut Corp. v. Unicut, Inc.*, 222 USPQ 341 (TTAB 1984).

Applicant has continually avoided his discovery obligations at every stage of this proceeding. He failed from the start to produce documents or serve appropriate written responses to Google's discovery requests. He neglected to participate in good faith in Google's meet & confer efforts, at first indicating that he would supplement discovery, then repeatedly

requesting more time to do so, before finally reversing course and refusing to produce a single document or serve a single amended interrogatory response. He then stopped conferring regarding discovery and told Google to take its complaints to the Board.

After Google did just that, Applicant directly contravened the Board's Order. He was compelled to fully respond to 24 RFPs. Instead, he flatly refused to even search for documents. He was ordered to serve complete responses without objecting on the merits to the Subject Interrogatories and RFAs; he asserted nearly every objection the Board had expressly prohibited. Finally, what additional information he did provide was at least as, if not more, incomplete than his initial responses.

**C. The Board Should Suspend the Proceeding Pending the Disposition of this Motion.**

“When a party to a Board proceeding files a motion which is potentially dispositive of the proceeding...the case will be suspended by the Board with respect to all matters not germane to the motion.” TBMP § 510.03(a). A motion for the sanction of judgment is a potentially dispositive motion within the meaning of TBMP § 510.03(a). *See, e.g., Elec. Indus. Ass’n v. Potega*, 50 USPQ2d 1775, 1776 n. 4 (TTAB 1999). Accordingly, Google requests that the Board suspend this proceeding pending the disposition of this motion.

**III. CONCLUSION**

For the foregoing reasons, Google respectfully requests that the Board enter judgment sustaining Google's opposition to Applicant's application and further requests that the Board suspend the proceeding while it decides the instant motion.

Date: May 6, 2016

/Morgan A. Champion /  
Brendan J. Hughes  
Morgan A. Champion  
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*Counsel for Opposer Google Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below a true and complete copy of the foregoing **MOTION FOR SANCTIONS IN THE FORM OF JUDGMENT**, along with true and complete copies of the Declaration of Morgan Champion and exhibits filed concurrently herewith, were served electronically on Applicant Jawad Essadki, via First Class Mail, postage prepaid, to the address below.

Mr. Jawad Essadki  
600 East Weddell Drive, #40  
Sunnyvale, California 94089

Date: May 6, 2016

/Morgan A. Champion /  
Morgan A. Champion  
COOLEY LLP  
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Washington, D.C. 20004  
Tel: (202) 842-7800; Fax: (202) 842-7899  
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*Counsel for Opposer Google Inc.*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/387,251

Mark: GOOGLIFE

Published: January 27, 2015

GOOGLE INC.,	)	
	)	
Opposer,	)	
	)	Opposition No. 91222065
	)	
	)	
v.	)	
	)	
JAWAD ESSADKI,	)	
	)	
Applicant.	)	
_____	)	

**DECLARATION OF MORGAN CHAMPION IN SUPPORT OF  
GOOGLE’S MOTION FOR SANCTIONS IN THE FORM OF JUDGMENT**

I, Morgan Champion, hereby declare as follows.

1. I am an associate at the law firm Cooley LLP and represent Opposer Google Inc. (“Google”) in this opposition against Applicant Jawad Essadki (“Applicant”). I make this statement based on my personal knowledge of the facts set forth herein and my conversations with my colleagues regarding this proceeding. I submit this declaration in support of Google’s Motion for Sanctions in the form of Judgment.

2. In response to the Board’s March 24, 2016 Order, Applicant served supplemental responses to Google’s RFPs on April 23, 2016.

3. Applicant provided only a single written response to all 24 of Google’s RFPs, in which he stated that he would not search for or produce any documents. *See* Exhibit A.

4. Applicant objected to all of Google’s RFPs “to the extent that they seek

information that is protected from disclosure on the basis of the attorney-client privilege or the work product doctrine,” but did not state whether he was withholding any documents on a claim of privilege or produce a privilege log. *See* Exhibit A.

5. In his revised Responses and Objections to Google’s Interrogatories and RFAs, served April 23 as a single document, Applicant asserted almost every one of the objections that the Board identified as unacceptable – including overbreadth, undue burden, ambiguousness, oppression, and an objection that the information requested was not calculated to lead to the discovery of admissible evidence. *See* Exhibit B.

6. On the basis of such objections, Applicant continued to withhold information responsive to the Google’s Interrogatories. In fact, in most cases, Applicant’s amended responses were more incomplete than his original responses. *See* Exhibit B.

7. With respect to Applicant’s amended responses to Google’s RFAs, Applicant asserted several objections on the merits to each of the RFAs identified in the Board’s March 24 Order, and neither admitted or denied any of them. *See* Exhibit B.

8. In response to five of the six RFAs identified in the Board’s March 24 Order, each of which requested admissions that Applicant did not possess certain broad categories of responsive documents, Applicant either refused to respond or simply stated that he could not respond because he had not bothered to look for such documents. In response to one RFA, Applicant stated that “It has been a long time. Have no recollection and have not looked in the archives.” *See* Exhibit B.

9. Attached hereto as Exhibit A is a true and correct copy of Applicant’s revised objections and responses to Google’s RFPs, served April 23, 2016.

10. Attached hereto as Exhibit B is a true and correct copy of Applicant’s revised

objections and responses to Google's Interrogatories and RFAs, served as a single document on April 23, 2016.

11. Attached hereto as Exhibit C is a true and correct copy of Applicant's initial objections and responses to Google's Interrogatories, served November 6, 2015.

12. I declare under penalty of perjury that the foregoing statements are true and correct.

Date: May 6, 2016

/Morgan A. Champion/  
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131321488 v1



# **EXHIBIT A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/387,251

Mark: GOOGLIFE

Published: January 27, 2015

GOOGLE INC.,	)	<b>Opposition No. 91222065</b>
	)	
Opposer,	)	
	)	
	)	
	)	
v.	)	
	)	
JAWAD ESSADKI.,	)	
	)	
Applicant.	)	
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**APPLICANT JAWAD ESSADKI'S OBJECTIONS AND RESPONSES TO  
OPPOSER'S  
FIRST SET OF REQUESTS FOR PRODUCTION**

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 34, Applicant Jawad Essadki hereby submits these objections and responses to the First Set of Requests for Production of Documents and Things ("Requests") propounded by Opposer Google ("Opposert").

**I. GENERAL RESPONSES**

Applicant hereby incorporates the following General Responses by reference into the individual responses to each Request. They shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Applicant's responses to the Requests are made to the best of Applicant's present knowledge, information, and belief and are at all times subject to such additional or different information that discovery or further investigation may disclose. While based on the present state of Applicant's recollection, they are subject to refreshing of such recollection, and such additional knowledge of facts, as may result from Applicant's further discovery or investigation.

2. Applicant reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information, or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. To the extent applicant agrees to produce documents in response to any Request, Applicant will respond with responsive, non-privileged information currently in its corporate possession, custody, or control. Applicant has no duty to produce or identify information outside of its possession, custody, or control. By stating in these responses that Applicant will produce documents or is searching for documents, Applicant does not represent that any document actually exists, but rather that it will make a good faith search and reasonable inquiry to ascertain whether documents responsive to the Requests do, in fact, exist, and to produce such documents if they are found to exist and are within Applicant's possession, custody, or control.

4. To the extent that Applicant responds to a Request by stating that Applicant will provide information or documents which Applicant or any other party to this litigation deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c) or Federal Rule of Evidence 501, Applicant will do so only subject to the protections of the Trademark Trial and Appeal Board's standard protective order against the unauthorized use or disclosure of such information.

5. Unless otherwise stipulated in a production protocol or ordered by the Board, should Applicant agree to produce responsive documents, it will produce them in the form in which they are ordinarily maintained or in a reasonably usable form. Further, Applicant reserves its right to only produce one copy of any document responsive to a document request.

6. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Applicant reserves all objections or other questions as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Applicant's responses herein and any information, document, or thing identified or produced in response to the Requests.

Applicant reserves the right to object on any grounds at any time to such other or supplemental requests for production as Google may at any time propound involving or relating to the subject matter of these Requests.

## **II. OBJECTIONS AND RESPONSES TO ALL REQUESTS FOR PRODUCTION**

Applicant objects to all these Requests on the basis that they are overbroad and unduly burdensome.

Applicant further objects to these Requests because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Applicant also objects to these Requests to the extent that they seek information that is protected from disclosure on the basis of the attorney-client privilege or the work product doctrine. In addition, Applicant objects to some of these Requests to the extent that they seek information that is publicly available and equally accessible to Opposer. In addition, many of the Opposer requests are vague, ambiguous, and incomprehensible.

On the basis of the foregoing objections, the applicant will not search for documents responsive to these Requests.

The fact that Opposer replies to our efforts of discovery have not been bona fide and has not demonstrated all along any ground of proprietary mark on GOOGLIFE, rather the Opposer tries to access proprietary information that is irrelevant to the argument around the mark, diluting the obvious truth all the while admitting it: GOOGLIFE IS NOT GOOGLE.

Date: April 23, 2016

By: /Jawad Essadki/

**CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below, a true and correct copy of the foregoing

**APPLICANT JAWAD ESSADKI'S OBJECTIONS AND RESPONSES TO  
OPPOSER'S  
FIRST SET OF REQUESTS FOR PRODUCTION**

was served via FEDEX. to the address specified below:

Morgan A. Champion  
COOLEY LLP  
1299 Pennsylvania Ave., N.W., Suite 700  
Washington, D.C. 20004  
And By Email:  
[mchampion@cooley.com](mailto:mchampion@cooley.com)

*Counsel for OPPOSER GOOGLE INC.*

By: / Jawad Essadki /  
600 East Weddell Drive, #40  
Sunnyvale, California 94089

Date: April 23, 2016

# **EXHIBIT B**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/387,251

**Mark: GOOGLIFE**

Published: January 27, 2015

<b>GOOGLE INC.,</b>	)	
Opposer,	)	Opposition No. 91222065
	)	
v.	)	
<b>JAWAD ESSADKI.,</b>	)	
Applicant.	)	

**APPLICANT’S OBJECTIONS AND COMPLEMENT OF RESPONSE**

**As requested by the Board, regarding This Opposition, please find below Objections and All requested Complement of answer. All previous answers remain applicable as if fully embedded in this response.**

**We would like to underline the obvious unclear intentions of the Opposer who focuses on Corporate confidential information (irrelevant) rather than focus on the MARK ORIGINALITY, that is DIFFERENT and INDEPENDENT from Google. Those questions which are irrelevant to the Mark will have a \*\* Next to them.**

**I. GENERAL RESPONSES**

Applicant hereby incorporates the following General Responses by reference into the individual responses to each Request. They shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Applicant’s responses to the Requests are made to the best of Applicant’s present knowledge, information, and belief and are at all times subject to such

additional or different information that discovery or further investigation may disclose. While based on the present state of Applicant's recollection, they are subject to refreshing of such recollection, and such additional knowledge of facts, as may result from Applicant's further discovery or investigation.

2. Applicant reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information, or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Applicant reserves all objections or other questions as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of applicant's responses herein and any information, document, or thing identified or produced in response to the Requests.

4. Applicant reserves the right to object on any grounds at any time to such other or supplemental requests for admission as Google may at any time propound involving or relating to the subject matter of these Requests.

## **II. GENERAL OBJECTIONS**

Whether or not separately set forth in response to each Request, Applicant makes the following General Objections to each and every Definition, Instruction, and Request propounded in Google's First Set of Requests for Admission.

1. Applicant objects to all Definitions, Instructions, and Requests to the extent that any Request requires disclosure of information or documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information or documents shall not be produced in response to the Requests. Any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such information or documents or of any work product immunity that may attach thereto.



2. Applicant objects generally to all Definitions, Instructions, and Requests to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

3. Applicant objects generally to all Definitions, Instructions, and Requests to the extent any Request requires documents or information not currently in Applicant's possession, custody, or control, or refers to persons, entities, or events not known in order to respond, on the grounds that such Definitions, Instructions, or Requests seek to require more of Applicant than any obligation imposed by law, would subject Applicant to unreasonable and undue annoyance, oppression, burden, and expense, and would seek to impose upon Applicant an obligation to investigate or discover information or materials from third parties or services that are equally or more readily accessible to Opposer.

4. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request unilaterally imposes an obligation to provide information greater than that required by the Federal Rules of Civil Procedure, the Trademark Rules, or any order in this matter.

5. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request requires the disclosure of information protected from disclosure pursuant to Federal Rule of Evidence 501. Such information shall not be produced in response to the Requests and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

6. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to proving one or more of the parties' claims or defenses, as provided by Federal Rule of Civil Procedure 26(b)(1) and Federal Rules of Evidence 401 and 402. Applicant objects on the grounds that said demands are overly broad and would subject Applicant to undue annoyance, oppression, burden, and expense. Such information shall not be provided in response to the Requests.

7. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request requires access to electronically-stored information not reasonably accessible to Applicant because of undue burden or cost (e.g., documents stored on systems for archival or recovery purposes, data residing in hardware buffer memories, deleted files that have not been fully overwritten, replica data resulting from automatic back-up functions, etc.) in order to respond.

### **III. SPECIFIC OBJECTIONS & RESPONSES**

#### **INTERROGATORY 1: Identify Each Person with knowledge of Your selection or Adoption of the Googlife Mark**

**Answer:** In addition to the General Responses and Objections, applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to Interrogatory No. 1:

As my personal and sole endeavor, I sought some advice and ideas but no one that I can think of now. It was a long time ago, it never became that important due to this proceeding.

#### **INTERROGATORY 3. Identify each good or service in connection with which you currently use or intend to use the Googlife Mark\*\***

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or service” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 3:

**Currently: None – Intend to use: Not sure or decided**

## **Interrogatory 4**

**Describe all relevant facts and circumstances regarding the target market(S) for the good and services identified in Interrogatory 3. \*\***

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or service” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 4:

**Bay Area internet users.**

## **Interrogatory 5.**

**Identify All Channels of trade for the goods and services identified in response to interrogatory 3, including without limitation the persons that currently or will in the future offer, sell, or advertise such goods and services\*\***

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “all channels of trade” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 5:

**The internet.**

**Interrogatory 6. Identify the price of each good and service identified in response to interrogatory 3\*\***

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or

service” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 6:

Not sure, but the vagueness and irrelevance of this questions goes to show the lack of goodwill in the Opposer undertaking of this endeavor with the applicant. With all due respect what is the point of asking this question?

**Interrogatory 7.** Describe all relevant facts and circumstances regarding any plans, intentions, preparations, or efforts to make any of the goods or services identified in response to interrogatory 3 competitive with any Google product or service or compatible with any google product or service\*\*

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or service” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 7:

**No facts to report.**

### **Interrogatory 9.**

Describe all Relevant facts and circumstances regarding any preparations to use the Googlfe Mark in US commerce in connection with the goods and services identified in response to interrogatory 3.

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or service” is vague and ambiguous. Subject to and without waiving these

objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 9:

**Early ideas, nothing concrete.**

### **Interrogatory 13**

Describe all relevant facts and circumstances regarding your registration and renewal of the <googlife.com> domain name:

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase “good or service” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 13:

**I had a dream. Looked up the name. Bought the domain.**

**Interrogatory 14:** Describe all relevant facts and circumstances regarding your offering for sale, attempted sale, or sale of the <googlife.com> domain name

**Answer:**

I do want here to note there was an oversight in the initial responses where 1 answer was missing. Answer provided “None” applied for Question 15.

Regarding the sale of the domain name. It is a site that I own like many other things which I constantly like to expose in the marketplace to gage value. It is listed in an Auction site as an experiment.

**Interrogatory 15:** Indentify Each person who supplied information in response to these interrogatories or any other discovery requests propounded by google or who was consulted or whose documents or files were consulted in connection with the preparation of responses to these interrogatories or any other discovery requests propounded by Google.

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the interrogatory is nonsensical, vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 15:

**I do my own diligence.**

**REQUEST FOR ADMISSION 30.** Admit that you have never had a communication with an investor or potential investor in the Googliflife Services

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. This also is beyond confidentiality and seems irrelevant here. Applicant further objects on the basis that the question is vague and ambiguous.

**REQUEST FOR ADMISSION 31:**

Admit that you have no documents reflecting any communications with investors or potential investors in the Googliflife services

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase is vague and ambiguous.

**Request for admission 33:**

Admit that you have no documents reflecting any steps you have taken to develop promotional, marketing, or advertising material that uses the Googliflife Mark to refer to the Googliflife Services.

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase is vague, ambiguous, and nonsensical. There are no services. The opposer again, changing the subject instead of discussing how the GOOGLIFE MARK IS ORIGINAL.

### **Request for Admission 34:**

Admit that you have no documents reflecting your preparations to offer the service of “providing a secure, web based service enabling individuals to remotely create and manage their own accounts so that whatever private content they upload now can be encrypted, then delivered to their intended recipients, at the time and in the manner requested” Under the Googliffe Mark in U.S. Commerce

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 34:

Googliffe was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googliffe never made it past “draft”. It has been a long time. Have no recollection and have not looked in the archives.

### **Request for Admission 35:**

Admit that you have no documents reflecting your preparations to offer the service of “ Computer services, namely, providing and interactive web site featuring technology that allows users to consolidate and manage social networkd, accounts, and connections to existing and emerging application programming interfaces (API’s)” Under the googliffe Mark in US commerce.

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 35:

Googlif was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googlif never made it past “draft”. It has been a long time. Have no recollection and have not looked in the archives

**Request for admission 36.** Admit that you have no documents reflecting your preparations to offer the service of “Social bookmarking website services, namely, providing a website featuring technology that enables users to organize, store, manage, share, and search for bookmarks of resources online” Under the Googlif Mark

**Answer:** In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that “reflecting your preparations” is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 36:

Googlif was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googlif never made it past “draft”. It has been a long time. Have no recollection and have not looked in the archives

Date: April 23, 2016

By: /Jawad Essadki/

Applicant



## **CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below, a true and correct copy of the foregoing

### **APPLICANT'S OBJECTIONS AND COMPLEMENT OF RESPONSE**

was served via FEDEX to the address specified below:

Morgan A .Champion

#### **COOLEY LLP**

1299 Pennsylvania Ave., N.W., Suite 700

Washington, D.C. 20004

*Counsel for OPPOSER GOOGLE INC.*

Date: April 23<sup>rd</sup>, 2016

/ Jawad Essadki /

**600 East Weddell Drive, #40**

**Sunnyvale, California 94089**

# **EXHIBIT C**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In The matter of the application Serial **No. 86/387,251**

Mark: GOOGLIFE

Published: January 27<sup>th</sup>, 2015

**Opposition No. 91222065**

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Google, Inc.,

Opposer

Vs.

Jawad Essadki,

Applicant  
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**Applicant Jawad Essadki reponse to First set of interrogatories.**

Propounding Party: Opposer Google, Inc.

Responding Party: Applicant Jawad Essadki

Set Number: One.

Replies to interrogatories:

1. Jawad Essadki, others who were involved in the idea early on left the project and do not want to be associated with it. Khadija Lebbar from Holda, SARL who provided some consulting.
2. Combination of the 2 words from dictionary Googol and Life, representing the multiple lives our user could experience on our platform.
3. Currently using: None. Intend to use: any and all legal business activity
4. Market is all legally paying customers
5. Channels of distribution: all legal channels available and permitted
6. Confidential
7. Not really familiar with Google's business to identify competition areas. But again, this is America, competition is good.
8. Never
9. All preparations have been aborted as soon as we received the opposition
10. None
11. None
12. None as of today
13. I was online, thinking of a name, couldn't find domains available. Thought of GOOGLIFE, find the domain available, so I purchased it.
14. None.

[ Signature Block in Next Page]

November 6<sup>th</sup> 2015

By: /Jawad Essadki/  
600 E. Weddell Drive, #40  
Sunnyvale, CA 94089  
Tel 650-933-7054  
E-mail: [essadkijawad@gmail.com](mailto:essadkijawad@gmail.com)  
The Applicant.

## Certificate of Service

I hereby certify that on the date indicated below, a true and correct copy of the foregoing **Applicant Jawad Essadki reponse to First set of request for admission was served electronically, pursuant to the parties' stipulation via email to the following address:** [mchampion@cooley.com](mailto:mchampion@cooley.com)

**A true and correct copy also was sent by priority USPS mail to:**  
**Morgan Champion**  
**Cooley LLP**  
**1299 Pennsylvania Avenue, N.W, Suite 700**  
**Washington, DC 20004**

**Date: November 6<sup>th</sup> 2015**

By: /Jawad Essadki/  
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The Applicant.